

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHELLE RONAT, et al.,

Plaintiffs,

V.

MARTHA STEWART LIVING
OMNIMEDIA, INC., et al.,

Defendant.

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Civil No. **05-520-GPM**

ORDER

PROUD, Magistrate Judge:

Before the Court is the plaintiffs' motion to compel defendants Martha Stewart Living Omnimedia, Inc., and Kmart Corporation to produce documents and testimony relating to inspections of the Chinese factories where the patio tables at issue in this case are manufactured. (Doc. 166). More specifically, pursuant to Federal Rule of Civil Procedure 30(b)(6), plaintiffs seek to compel the deposition of corporate representatives regarding specific reports. (**See Doc. 166-11**). Plaintiffs assert that, based on prior deposition testimony, Kathryn G. Lewis, Associate Vice President and Director of Standards for Martha Stewart, is the person most knowledgeable regarding the factory inspection program. According to the plaintiffs, the defendants have refused to produce the employee most knowledgeable of the areas of inquiry, arguing the inspections are not relevant, although the inspection reports have already been produced. No response to the subject motion was filed.

Plaintiffs have failed to produce documentation to evince the defendants' refusal to comply with a valid deposition subpoena, and the Court cannot clearly tell whether the

deposition scheduled for November 7, 2007, ever occurred. It is unclear whether this is a situation where the defendants did produce a corporate representative, or at least expressed a willingness to do so, and plaintiffs do not consider that designee to be appropriate. There is no indication that plaintiffs appeared for the scheduled deposition and were “stood up” by the defendants. More to the point, it is unclear that there is a ripe controversy for the Court to decide.

IT IS THEREFORE ORDERED that the plaintiffs’ motion to compel (**Doc. 166**) is **DENIED**.

IT IS SO ORDERED.

DATED: December 14, 2007

s/ Clifford J. Proud
CLIFFORD J. PROUD
U. S. MAGISTRATE JUDGE